



STAFF REPORT

April 17, 2002 (meeting date)

TO: LAFCO Commissioners

FROM: Everett Millais, Executive Officer

STAFF: Hollee King Brunsky, Planner III

SUBJECT: Amendment to the Commissioner's Handbook –
Delegation of Authority for Out of Agency Service Agreements

RECOMMENDATION:

Approve the attached resolution to amend the policies set forth in Division 2 – Operational Policies, Chapter 6 – Delegation of Authorities to Executive Officer, Section 2.6.2 – Emergency Out of Agency Service Agreements, of the Commissioner's Handbook, dated January 1, 2002.

DISCUSSION:

The Cortese-Knox-Hertzberg Act of 2000, Government Code Section 56133(d), allows the Commission to delegate authority to review and act on out of agency service agreements. On April 18, 2001, your Commission delegated, by resolution, the authority to review and act on out of agency service agreements for health related emergency sewer and water connections.

Staff is recommending that the Commission further the delegation of authority to the Executive Officer to include out of agency service agreements for projects that have been found to be exempt from the California Environmental Quality Act or have had a Negative Declaration prepared. These projects that have been found to have no environmental effects are considered to be diminimus in nature, and are generally for projects such as single-family dwellings or small commercial structures. These proposed amendments would provide the public with efficient service and reduce the time necessary to complete out of agency service agreements.

COMMISSIONERS AND STAFF:

COUNTY: Steve Bennett, Chair Kathy Long Judy Mikels, Alternate	CITY: Linda Parks John Zaragoza Evaristo Barajas, Alternate	PUBLIC: Louis Cunningham, Vice Chair Kenneth M. Hess, Alternate	SPECIAL DISTRICT: Jack Curtis John Rush Dick Richardson, Alternate
EXECUTIVE OFFICER: Everett Millais	PLANNER III: Hollie Brunsky	CLERK: Debbie Schubert	LEGAL COUNSEL: Noel Klebaum

The delegation of authority to the Executive Officer would not extend to projects that have had a Mitigated Negative Declaration or an Environmental Impact Report prepared for them.

There are policies and factors included in Division 5, Out of Agency Service Agreements, Chapter 1-General Policies, that serve as general guidelines for the Commission to follow when approving out of agency service agreements. These guidelines will also be followed by the Executive Officer.

The proposed amendments to the Commissioner's Handbook are as follows:

SECTION 2.6.2 ~~EMERGENCY~~ OUT OF AGENCY SERVICE AGREEMENTS

LAFCO hereby ~~has, by prior resolution, delegated~~ the authority to review and act on out of agency service agreement applications to the Executive Officer pursuant to Government Code Section 56133(d) ~~provided such application are for the purpose of allowing health related emergency sewer and/or water connections. Such delegation is hereby confirmed.~~ for the following out of agency service applications: (Amended by LAFCO Resolution, 4/17/02).

- i. Emergency proposals for the purpose of allowing health related emergency sewer and/or water connections.
- ii. Proposals that have been determined to be exempt from the California Environmental Quality Act. (Added by LAFCO Resolution, 4/17/02)
- iii. Proposals that have been determined to be subject to the California Environmental Quality Act, and a Negative Declaration was prepared determining that the proposal would not have a significant effect on the environment and that no mitigation measures are required. (Added by LAFCO Resolution, 4/17/02)

**RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION AMENDING DIVISION 2 –
OPERATIONAL POLICIES, CHAPTER 6 – DELEGATION
OF AUTHORITIES TO EXECUTIVE OFFICER,
SECTION 2.6.2 – OUT OF AGENCY SERVICE
AGREEMENTS**

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.) requires each Local Agency Formation Commission (LAFCO) to adopt written policies and procedures; and

WHEREAS, a new and revised Commissioner's Handbook became effective on January 1, 2002, and

WHEREAS, the Commission has the authority to amend the policies and procedures contained in the Commissioner's Handbook based on changes in law, local policies, and operational procedures; and

WHEREAS, California Government Code Section 53133 (d) allows the Commission to delegate to the Executive Officer the authority to review and decide on out of agency service agreements, and

WHEREAS, Division 2 – Operational Policies, Chapter 6 – Delegation of Authorities to Executive Officer, Section 2.6.2. – Emergency Out of Agency Service Agreements of the Commissioner's Handbook delegates to the Executive Officer the authority to decide on out of agency service agreements related to emergency water and sewer connections, and

WHEREAS, it is important to provide the public with efficient customer service and reduce the time necessary to complete out of agency service agreements, and

WHEREAS, the Commission finds that out of agency service agreements for projects that are considered exempt from the California Environmental Quality Act or have had a Negative Declaration prepared are de minimus in nature, and should be delegated to the Executive Officer for review and action.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Ventura Local Agency Formation Commission hereby:

- (1) Delegates the authority to review and act on out of agency service agreement applications to the Executive Officer pursuant to Government Code 56133 (d) for proposals that have projects that are considered exempt from CEQA or have had a Negative Declaration prepared.

- (2) Amends the policies set forth in Division 2, Chapter 6, Section 2.6.2. of the Commissioner's Handbook, dated January 1, 2002, as shown on Exhibit A.
- (3) Directs the Executive Officer to compile these amendments in the form of replacement pages for the Commissioner's Handbook and distribute them to interested parties.

This resolution was adopted on April 17, 2002.

AYES:

NOES:

ABSTAINS:

Dated: _____
Chair, Ventura Local Agency Formation Commission

Copies: County Clerk
County Assessor
County Auditor
County Surveyor

DIVISION 2 – OPERATIONAL POLICIES

**CHAPTER 6 – DELEGATION OF AUTHORITIES TO
EXECUTIVE OFFICER**

**SECTION 2.6.1 CONDUCTING AUTHORITY FUNCTIONS AND
RESPONSIBILITIES**

LAFCO has, by prior resolution, delegated the conducting authority functions and responsibilities to the Executive Officer pursuant to Government Code Section 57000. Such delegation is hereby confirmed.

SECTION 2.6.2 OUT OF AGENCY SERVICE AGREEMENTS

LAFCO hereby delegates the authority to review and act on out of agency service agreement applications to the Executive Officer pursuant to Government Code Section 56133(d) for the following out of agency service applications: *(Amended by LAFCO Resolution, 4/17/02).*

- i. Emergency proposals for the purpose of allowing health related emergency sewer and/or water connections.
- ii. Proposals that have been determined to be exempt from the California Environmental Quality Act. *(Added by LAFCO Resolution, 4/17/02)*
- iii. Proposals that have been determined to be subject to the California Environmental Quality Act, and a Negative Declaration was prepared determining that the proposal would not have a significant effect on the environment and that no mitigation measures are required. *(Added by LAFCO Resolution, 4/17/02)*

SECTION 2.6.3 APPLICATION FORMS AND FILING REQUIREMENTS

LAFCO has, by prior resolution, delegated to the Executive Officer the duty and authority to maintain, update, and revise the LAFCO application form, supplemental applications, and filing requirements as and when the Executive Officer deems necessary or appropriate. Such delegation is hereby confirmed.